

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

Linda Dade,

Plaintiff,

v.

Hillcrest, Davidson, and Associates LLC,

Defendant.

:
: Civil Action No.: 4:16-cv-1878
:

:
: **COMPLAINT**
: **JURY**
:
:
:

For this Complaint, Plaintiff, Linda Dade, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (the "FDCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Linda Dade ("Plaintiff"), is an adult individual residing in Houston, Texas, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).
4. Defendant, Hillcrest, Davidson, and Associates LLC ("HDA"), is a Texas business entity with an address of 715 North Glenville Drive, Suite 450, Richardson, Texas 75081, operating as a collection agency, and is a "debt collector" as the term is defined by 15 U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

5. Plaintiff allegedly incurred a financial obligation (the “Debt”) to Hughes Communications (the “Creditor”).

6. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes, which meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

7. The Debt was purchased, assigned or transferred to HDA for collection, or HDA was employed by the Creditor to collect the Debt.

8. Defendant attempted to collect the Debt and, as such, engaged in “communications” as defined in 15 U.S.C. § 1692a(2).

B. HDA Engages in Harassment and Abusive Tactics

9. On or about July 27, 2015, HDA contacted Plaintiff in an attempt to collect the Debt.

10. Plaintiff explained to HDA that she was unable to pay the Debt at that time due to financial hardship.

11. HDA’s collector, “Dave”, responded by condescendingly asking Plaintiff if it was her mother who taught her not to pay her bills.

COUNT I
VIOLATIONS OF THE FDCPA 15 U.S.C. § 1692, et seq.

12. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. Defendant's conduct violated 15 U.S.C. § 1692d in that Defendant engaged in behavior the natural consequence of which was to harass, oppress, or abuse Plaintiff in connection with collection of the Debt.

14. Defendant's conduct violated 15 U.S.C. § 1692d(2) in that Defendant used abusive language when speaking with Plaintiff.

15. Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used unfair and unconscionable means to collect the Debt.

16. The foregoing acts and omissions of Defendant constitute numerous and multiple violations of the FDCPA.

17. Plaintiff is entitled to damages as a result of Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

1. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
2. Statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
3. Costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3);
4. Punitive damages; and
5. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: June 28, 2016

Respectfully submitted,

By: /s/ Jenny DeFrancisco

Jenny DeFrancisco, Esq.
CT Bar No.: 432383
LEMBERG LAW, LLC
A Connecticut Law Firm
43 Danbury Road
Wilton, CT 06897
Telephone: (203) 653-2250
Facsimile: (203) 653-3424